

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 360

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO TAXATION; PROVIDING AN OFFSET AGAINST THE GAMING TAX FOR CERTAIN GAMING OPERATOR LICENSEES THAT MAKE INFRASTRUCTURE IMPROVEMENTS DESIGNED TO FACILITATE ACCESS FOR PATRONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2E-47 NMSA 1978 (being Laws 1997, Chapter 190, Section 49, as amended by Laws 2001, Chapter 256, Section 1 and by Laws 2001, Chapter 262, Section 3) is amended to read:

"60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION. --

A. An excise tax is imposed on the privilege of engaging in gaming activities in the state. This tax shall be known as the "gaming tax".

B. The gaming tax is an amount equal to ten

underscored material = new
[bracketed material] = delete

1 percent of the gross receipts of manufacturer licensees from
2 the sale, lease or other transfer of gaming devices in or into
3 the state, except receipts of a manufacturer from the sale,
4 lease or other transfer to a licensed distributor for
5 subsequent sale or lease may be excluded from gross receipts;
6 ten percent of the gross receipts of distributor licensees
7 from the sale, lease or other transfer of gaming devices in or
8 into the state; ten percent of the net take of a gaming
9 operator licensee that is a nonprofit organization; and,
10 except as provided in Subsection C of this section, twenty-
11 five percent of the net take of every other gaming operator
12 licensee. For the purposes of this section, "gross receipts"
13 means the total amount of money or the value of other
14 consideration received from selling, leasing or otherwise
15 transferring gaming devices.

16 C. Up to twenty-five percent of the gaming tax
17 otherwise due for any month from a gaming operator licensee
18 that is not a nonprofit organization and that is located in a
19 class A county with a population, as determined in the most
20 recent federal decennial census, of greater than one hundred
21 fifty thousand but less than four hundred thousand may be
22 offset by the amount expended, after July 1, 2002 and before
23 July 1, 2007, by the licensee for road improvements designed
24 to facilitate access to the licensee's premises for gaming
25 patrons; provided that the total amount of gaming taxes offset

. 139205. 2

underscored material = new
[bracketed material] = delete

1 pursuant to this subsection shall not exceed one million
2 dollars (\$1,000,000) during any fiscal year.

3 [C-] D. The gaming tax imposed on a licensee is in
4 lieu of all state and local gross receipts taxes on that
5 portion of the licensee's gross receipts attributable to
6 gaming activities.

7 [D-] E. The gaming tax is to be paid on or before
8 the fifteenth day of the month following the month in which
9 the taxable event occurs. The gaming tax shall be
10 administered and collected by the taxation and revenue
11 department in cooperation with the board. The provisions of
12 the Tax Administration Act apply to the collection and
13 administration of the tax.

14 [E-] F. In addition to the gaming tax, a gaming
15 operator licensee that is a racetrack shall pay twenty percent
16 of its net take to purses to be distributed in accordance with
17 rules adopted by the state racing commission. An amount not
18 to exceed twenty percent of the interest earned on the balance
19 of any fund consisting of money for purses distributed by
20 racetrack gaming operator licensees pursuant to this
21 subsection may be expended for the costs of administering the
22 distributions. A racetrack gaming operator licensee shall
23 spend no less than one-fourth of one percent of the net take
24 of its gaming machines to fund or support programs for the
25 treatment and assistance of compulsive gamblers.

. 139205. 2

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[F-] G. A nonprofit gaming operator licensee shall distribute at least sixty percent of the balance of its net take, after payment of the gaming tax and any income taxes, for charitable or educational purposes. "

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2002.